

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 23-cv-62279-BLOOM/Hunt

CHANEL, INC.,

Plaintiff,

v.

21909944; 21847323; 21905344; 21879839;
21852382; 21764410; 21913489; 21872330;
21906509; 21857356; 21859078; 21856745;
21834387; 16437553; 21841088; 21892958;
21894379; 21911452; 21921743; 21859332;
21907471; 21874612; 21889011; 21860826;
21915473; 21748769; 21843978; 21750756;
21848139; 21806774; 21892147; 21908870;
21860243; 21901404; 21854449; 21840777;
21879896; 21850433; 21771230; 21881431;
21523944; 21910425; 21458755; 21857633;
21806792; 21887778; 21895691; 21923678;
21876143; 21914536; 21691570; 21532811;
21858913; 21860636; 21859012; 20732968;
21679447; 21628702; 21846785; 21912882;
21834406; 21878996; 21842605; 21860918;
21857372; 21749500; 21851961; 21642571;
21834393; 21810784; 21693762; 21889791;
21682283; 21522099; 21523566; 21851428;
21823300; 20813764; 21522211; 21765728;
21856679; 21909929; 21686529; 21858263;
21924627; 21831967; 21834381; 21802980;
21878989; 21409983; 21867725; 20506759;
and 21898541, Each an Individual, Business
Entity, or Unincorporated Association,

Defendants.

/

**ORDER GRANTING PLAINTIFF'S MOTION
TO AUTHORIZE ALTERNATE SERVICE OF PROCESS**

THIS CAUSE is before the Court upon Plaintiff, Chanel, Inc.'s ("Plaintiff") Motion for
Order Authorizing Alternate Service of Process on Defendants Pursuant to Federal Rule of Civil

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Procedure 4(f)(3), ECF No. [6] (“Motion”). In its Complaint, Plaintiff sets forth claims against Defendants for (1) trademark counterfeiting and infringement, (2) false designation of origin, (3) common law unfair competition, and (4) common law trademark infringement. *See generally* ECF No. [1]. More specifically, Plaintiff alleges that Defendants promote, sell, offer for sale, and/or distribute goods bearing and/or using counterfeits and confusingly similar imitations of Plaintiff’s trademarks, thereby infringing Plaintiff’s trademarks. *Id.* Plaintiff contends that Defendants are accomplishing these infringement activities through various Internet based e-commerce stores operating on the DHgate.com platform under the store identification numbers identified on Schedule “A” hereto (the “Store IDs”). The Court has reviewed the Motion, Plaintiff’s supporting submissions, the record in this case, and the applicable law, and if otherwise duly advised.

Plaintiff contends that Defendants operate via the Internet and utilize electronic means as reliable forms of contact. *See* ECF No. [6] at 2-4. According to Plaintiff, it has reasonable cause to suspect that Defendants are all residents of the People’s Republic of China (“China”), and/or redistribute products from sources in that location. *Id.* at 11. Plaintiff further contends that Defendants have at least one operational form of electronic means of contact, in the form of electronic messaging via DHgate.com’s messaging system, demonstrating that this means of contact is not just effective, but the most reliable means of communicating with Defendants. *Id.* at 3-5. Consequently, Plaintiff asserts that service through known electronic messaging accounts is the most reliable means of providing Defendants with notice of this action. *Id.* at 4.

Rule 4(f)(3) allows a district court to order an alternate method for service to be effected upon foreign defendants, provided that it is not prohibited by international agreement, and is reasonably calculated to give notice to the defendants. *See Brookshire Bros. v. Chiquita Brands Int’l, Inc.*, No. 05-CIV-21962, 2007 WL 1577771, at *2 (S.D. Fla. May 31, 2007) (“[D]istrict

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courts have found broad discretion under Rule 4(f)(3) to authorize other methods of service that are consistent with due process and are not prohibited by international agreements.” (citing *Prewitt Enters., Inc. v. Org. of Petroleum Exporting Countries*, 353 F.3d 916, 921, 927 (11th Cir. 2003)); *Rio Props., Inc. v. Rio Int'l Interlink*, 284 F.3d 1007, 1015 (9th Cir. 2002). The plain language of Rule 4(f)(3) reflects that the decision to issue an order allowing alternate means of service lies within the discretion of the district court.

Service by e-mail is not prohibited under international agreement in this case. Although the United States and China are signatories to the Hague Convention on the Service Abroad of Extra-Judicial Documents in Civil and Commercial Matters (the “Hague Convention”), the Hague Convention does not specifically preclude service of process via e-mail or by posting on a designated website. Where a signatory nation has objected to the alternative means of service provided by the Hague Convention, that objection is expressly limited to those means and does not represent an objection to other forms of service, such as e-mail or website posting.¹ *Stat Med. Devices, Inc. v. HTL-Strefa, Inc.*, No. 15-cv-20590, 2015 WL 5320947, at *1 (S.D. Fla. Sept. 14, 2015) (noting that an objection to the alternative forms of service set forth in the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, Nov. 15, 1965, 658 U.N.T.S. 16, is limited to the specific forms of service objected to). A court acting under Rule 4(f)(3), therefore, remains free to order alternative means of service where a signatory nation has not expressly objected to those means. *See Gurung v. Malhotra*, 279 F.R.D. 215, 219 (S.D.N.Y. 2011). Accordingly, service by e-mail or internet communication does not violate an international agreement. Further, as Plaintiff has been unable to identify a valid address

¹ China has not expressly objected to service via e-mail or website posting. *See* ECF No. [6-5].

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for service of process upon Defendants, according to Article 1 of the Hague Convention, “[the] convention shall not apply where the address of the person to be served with the document is not known.” *See Hague Convention, Art. 1, 20 U.S.T. 361 (1969).*

Rule 4(f)(3) was “adopted in order to provide flexibility and discretion to the federal courts in dealing with questions of alternative methods of service of process in foreign countries.” *In re Int'l Telemedia Assoc., Inc.*, 245 B.R. 713, 719 (Bankr. N.D. Ga. 2000); *see also Chanel, Inc. v. Individual*, No. 17-62441-CIV, 2017 WL 8794733, at *4 (S.D. Fla. Dec. 13, 2017) (citing *In re Int'l Telemedia Assoc., Inc.*, 245 B.R. at 720). What constitutes appropriate service varies depending on the circumstances of the case and turns on the court’s determination of whether the alternative method is reasonably calculated to apprise the parties of the pendency of the action and afford them an opportunity to present their objections. *Philip Morris USA, Inc. v. Veles Ltd.*, No. 06 CV 2988 (GBD), 2007 WL 725412, at *2 (S.D.N.Y. Mar. 12, 2007) (citing *In re Int'l Telemedia Assoc., Inc.*, 245 B.R. 713 (N.D. Ga. 2000)).

Here, the Court finds that Plaintiff has shown good cause for leave to allow service of the summonses, Complaint, and all future filings and discovery in this matter upon each Defendant through the identified messaging accounts and via posting on a designated website. Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Plaintiff’s Motion, **ECF No. [6]**, is **GRANTED**.
2. Plaintiff shall serve the Summons, Complaint, and all filings and discovery in this matter upon Defendants by providing the address to Plaintiff’s designated serving notice website to Defendants via the known electronic messaging accounts (i) via DHgate.com’s messaging system contact means, or (ii) via the data related to their respective e-commerce stores, including customer service e-mail addresses

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and/or onsite contact forms, or (iii) via the e-commerce marketplace website e-mail for each of the e-commerce stores. *See Schedule "A"* (listing Defendants by Defendant number, Store ID, and associated means of contact).

3. Plaintiff shall serve Defendants via website posting by posting a copy of the Summons, Complaint, and all filings and discovery in this matter on Plaintiff's designated serving notice website appearing at the URL <http://servingnotice.com/cV7njx/index.html>.

DONE AND ORDERED in Chambers at Miami, Florida, on December 5, 2023.



BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record

SCHEDEULE "A"
DEFENDANTS BY NUMBER, DHGATE.COM STORE ID,
AND MEANS OF CONTACT

Defendant Number	Defendant/Store ID	Means Of Contact
1	21909944	https://www.dhgate.com/store/21909944
2	21847323	https://www.dhgate.com/store/21847323
3	21905344	https://www.dhgate.com/store/21905344
4	21879839	https://www.dhgate.com/store/21879839
5	21852382	https://www.dhgate.com/store/21852382
6	21764410	https://www.dhgate.com/store/21764410
7	21913489	https://www.dhgate.com/store/21913489
8	21872330	https://www.dhgate.com/store/21872330
9	21906509	https://www.dhgate.com/store/21906509
10	21857356	https://www.dhgate.com/store/21857356
11	21859078	https://www.dhgate.com/store/21859078
12	21856745	http://www.dhgate.com/store/21856745
13	21834387	https://www.dhgate.com/store/21834387
14	16437553	https://www.dhgate.com/store/16437553
15	21841088	https://www.dhgate.com/store/21841088
16	21892958	https://www.dhgate.com/store/21892958
17	21894379	https://www.dhgate.com/store/21894379
18	21911452	https://www.dhgate.com/store/21911452
19	21921743	https://www.dhgate.com/store/21921743
20	21859332	https://www.dhgate.com/store/21859332
21	21907471	https://www.dhgate.com/store/21907471
22	21874612	https://www.dhgate.com/store/21874612
23	21889011	https://www.dhgate.com/store/21889011
24	21860826	https://www.dhgate.com/store/21860826
25	21915473	https://www.dhgate.com/store/21915473
26	21748769	https://www.dhgate.com/store/21748769
27	21843978	https://www.dhgate.com/store/21843978
28	21750756	https://www.dhgate.com/store/21750756
29	21848139	https://www.dhgate.com/store/21848139
30	21806774	https://www.dhgate.com/store/21806774
31	21892147	https://www.dhgate.com/store/21892147
32	21908870	https://www.dhgate.com/store/21908870
33	21860243	https://www.dhgate.com/store/21860243
34	21901404	https://www.dhgate.com/store/21901404
35	21854449	https://www.dhgate.com/store/21854449
36	21840777	https://www.dhgate.com/store/21840777

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37	21879896	https://www.dhgate.com/store/21879896
38	21850433	https://www.dhgate.com/store/21850433
39	21771230	https://www.dhgate.com/store/21771230
40	21881431	https://www.dhgate.com/store/21881431
41	21523944	https://www.dhgate.com/store/21523944
42	21910425	https://www.dhgate.com/store/21910425
43	21458755	https://www.dhgate.com/store/21458755
44	21857633	https://www.dhgate.com/store/21857633
45	21806792	https://www.dhgate.com/store/21806792
46	21887778	https://www.dhgate.com/store/21887778
47	21895691	https://www.dhgate.com/store/21895691
48	21923678	https://www.dhgate.com/store/21923678
49	21876143	https://www.dhgate.com/store/21876143
50	21914536	https://www.dhgate.com/store/21914536
51	21691570	https://www.dhgate.com/store/21691570
52	21532811	https://www.dhgate.com/store/21532811
53	21858913	https://www.dhgate.com/store/21858913
54	21860636	https://www.dhgate.com/store/21860636
55	21859012	https://www.dhgate.com/store/21859012
56	20732968	https://www.dhgate.com/store/20732968
57	21679447	https://www.dhgate.com/store/21679447
58	21628702	https://www.dhgate.com/store/21628702
59	21846785	https://www.dhgate.com/store/21846785
60	21912882	https://www.dhgate.com/store/21912882
61	21834406	https://www.dhgate.com/store/21834406
62	21878996	https://www.dhgate.com/store/21878996
63	21842605	https://www.dhgate.com/store/21842605
64	21860918	https://www.dhgate.com/store/21860918
65	21857372	https://www.dhgate.com/store/21857372
66	21749500	https://www.dhgate.com/store/21749500
67	21851961	https://www.dhgate.com/store/21851961
68	21642571	https://www.dhgate.com/store/21642571
69	21834393	https://www.dhgate.com/store/21834393
70	21810784	https://www.dhgate.com/store/21810784
71	21693762	https://www.dhgate.com/store/21693762
72	21889791	https://www.dhgate.com/store/21889791
73	21682283	https://www.dhgate.com/store/21682283
74	21522099	https://www.dhgate.com/store/21522099
75	21523566	https://www.dhgate.com/store/21523566
76	21851428	https://www.dhgate.com/store/21851428
77	21823300	https://www.dhgate.com/store/21823300
78	20813764	https://www.dhgate.com/store/20813764

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79	21522211	https://www.dhgate.com/store/21522211
80	21765728	https://www.dhgate.com/store/21765728
81	21856679	https://www.dhgate.com/store/21856679
82	21909929	https://www.dhgate.com/store/21909929
83	21686529	https://www.dhgate.com/store/21686529
84	21858263	https://www.dhgate.com/store/21858263
85	21924627	https://www.dhgate.com/store/21924627
86	21831967	https://www.dhgate.com/store/21831967
87	21834381	https://www.dhgate.com/store/21834381
88	21802980	https://www.dhgate.com/store/21802980
89	21878989	https://www.dhgate.com/store/21878989
90	21409983	https://www.dhgate.com/store/21409983
91	21867725	https://www.dhgate.com/store/21867725
92	20506759	https://www.dhgate.com/store/20506759
93	21898541	https://www.dhgate.com/store/21898541